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OCT 12 2004
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	David T. Chen et al.
Serial No.:	10/775,754
Filing Date:	02/10/2004
For:	VIDEO-BASED SURGICAL TARGETING SYSTEM
Group Art Unit No.:	3736
Examiner:	Unknown
Attorney's Docket No.:	MMS-25 CON

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID, IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, PO BOX 1450, ALEXANDRIA, VA 22313-1450, ON:

October 7, 2004
(DATE OF DEPOSIT)

Mark J. Pandiscio
(NAME OF ATTORNEY)

Mark Pandiscio 10/7/04
(SIGNATURE)

October 7, 2004
(DATE OF SIGNATURE)

RESPONSE TO OUTSTANDING NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION - FILING DATE GRANTED

In response to the outstanding NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION - FILING DATE GRANTED, Applicants hereby respectfully submit the following:

(1) a duplicate copy of the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION - FILING DATE GRANTED, as requested in the Notice;

(2) one (1) check in the amount of $395.00 to cover the basic filing fee, this charge having been calculated on the basis of Small Entity status; and

(3) one (1) check in the amount of $65.00 to cover the surcharge for the late payment of the filing fee, this charge having been calculated on the basis of Small Entity status.

In the event that any additional fees may be required to be paid in connection with this submission, please charge the same, or credit any overpayment, to Deposit Account No. 16-0221.

A duplicate copy of this RESPONSE TO OUTSTANDING NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION - FILING DATE GRANTED is enclosed for the convenience of the Patent and Trademark Office.

Respectfully submitted,

10/7/04

Mark J. Pandiscio
Registration No. 30,883
Pandiscio & Pandiscio
470 Totten Pond Road
Waltham, MA 02451-1914
Tel. No. (781) 290-0060

EC/MMS25CON.MPR

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Alexandria, VA 22313-1450

Sir:

COMMUNICATION ACCOMPANYING RESPONSE TO OUTSTANDING NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION - FILING DATE GRANTED

Enclosed please find a RESPONSE TO OUTSTANDING NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION - FILING DATE GRANTED in connection with the above-identified application.

Since Applicant qualifies as a Small Entity, all fees are being paid on the basis of Small Entity status.

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID, IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, PO BOX 1450, ALEXANDRIA, VA 22313-1450, ON:

October 7, 2004
(DATE OF DEPOSIT)

Mark J. Pandiscio
(NAME OF ATTORNEY)

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Respectfully submitted,

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OCT 12 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/775,754	02/10/2004	David T. Chen	MMS-25

CONFIRMATION NO. 8721

Mark J. Pandiscio
Pandiscio & Pandiscio
470 Totten Pond Road
Waltham, MA 02154

FORMALITIES LETTER

OC000000012558992

Date Mailed: 05/07/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
 Applicant must submit $ **770** *to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of $130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$900** for a Large Entity

- **$770** Statutory basic filing fee.
- **$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

10/13/2004 RHEBRAH 00000011 10775754
01 FC:2001 395.00 OP
02 FC:2051 65.00 OP

A copy of this notice MUST be returned with the reply.

UC

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE